

IN THE DRAWINGS

Please replace the drawing sheet of Figure 3 with the attached replacement sheet which amends Figure 3 and adds new Figure 5.

REMARKS

Entry of this amendment is respectfully requested.

Claims 25-34 were rejected under 35 U.S.C. §112, second paragraph, for reasons that do not apply to the presently pending claims.

Claims 25-31 were rejected under 35 U.S.C. §103(a) for allegedly being unpatentable over Bunz. Claim 32 was rejected for allegedly being obvious over the combination of Bunz, Pope and Teinturier. Claims 33 and 34 were also rejected for being obvious over Bunz, Pope and McLean. Applicants respectfully traverse each of these rejections.

As the Examiner admits, Bunz does not disclose surface depressions with a notch radius as claimed. Pope is cited for disclosing this feature, and the Examiner alleges that it would have been obvious at the time of the invention to combine the sliding cup of the sandwich insert of Bunz with the undulating depressions in Pope in order to achieve a mechanical interlock as taught by Pope. However, as explained below, this is clearly insight argumentation, for there is no motivation to provide depressions to the outer surface of Bunz's inner sliding cup, since there is no suggestion that Bunz's hip joint has any problems with mechanical interlock. In fact, Bunz uses an entirely different approach to provide mechanical interlock which is, in essence, the opposite of what is presently claimed. Bunz provides a sliding cup 1 with a shaped stud 3 which projects into plastic cover 2 to provide mechanical stability. There is, quite simply, no need to provide depressions on the outer surface, since stud 3 already provides such stability.

Thus, one would have to replace stud 3 of Bunz with depressions as claimed to arrive at the presently claimed invention, which would render Bunz inoperable for its intended purpose. Such a combination of art is impermissible.

Furthermore, the passage of Pope at column 41, lines 23-25 and column 43, lines 15-35 which are cited by the Examiner appear to refer to topographical features of the ball of the Femur, and perhaps to the inner surface of the slidable cup, and not to the outer surface of the slidable cup. Thus, there is no motivation in the references or otherwise to make the Examiner's proposed combination.

Thus, all rejections should be withdrawn as they are all based on Bunz and Pope.

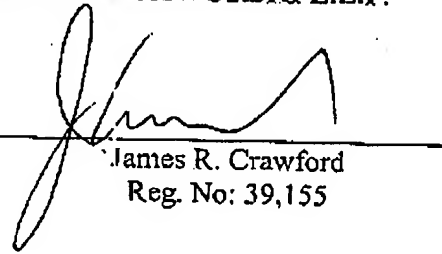
In view of the foregoing, allowance is requested.

The Commissioner is hereby authorized to deduct any fee associated with this filing from Deposit Account No. 50-0624.

Respectfully submitted,

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